

08-05-05

1708

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

BARCLAY

Serial No.: 10/789,635

Filed: February 27, 2004

Atty. File No.: 2997-1-3-2-2

For: "PROCESS FOR THE
HETEROTROPHIC PRODUCTION OF
MICROBIAL PRODUCTS WITH HIGH
CONCENTRATIONS OF OMEGA-3
HIGHLY UNSATURATED FATTY
ACIDS"

Group Art Unit: 1651

Examiner: Ware, D.

) SUPPLEMENTAL INFORMATION
) DISCLOSURE STATEMENT
)
)
)

) EXPRESS MAIL # EV 556789225 US
)
)
)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

- ☒ Copies of the cited non-patent and/or foreign references are enclosed herewith.
- ☐ Copies of the cited U.S. patents and/or patent applications are enclosed herewith.
- ☒ Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with the waivers dated July 11, 2003 and October 19, 2004, whereby patent applications filed, regardless of the filing date, need not submit copies of U.S. patents and U.S. patent application publications.

☐ Copies of the cited references are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____ filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☒ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts, claims or in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☐ Examiner's attention is drawn to the following co-pending applications, copies of which have been or are being submitted:

Serial No. _____ filed _____

Serial No. _____ filed _____

☐ Other: _____

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

<input type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or<input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or<input type="checkbox"/> Before the mailing date of a first Office Action on the merits, or<input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input checked="" type="checkbox"/>	<p>37 CFR 1.97(e): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none">(1) a final action under 37 C.F.R. 1.113 or(2) a notice of allowance under 37 C.F.R. 1.311, or(3) an action that otherwise closes prosecution in the application. <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"><input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970. <p style="text-align: center;">OR</p> <p><input checked="" type="checkbox"/> Enclosed is a check Please charge Deposit Account 19-1970 in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account 19-1970.</p>

<input type="checkbox"/>	<p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <p><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e) AND</p> <p><input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Please charge Deposit Account 19-1970 in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.</p>
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Certification (37 C.F.R. 1.97(e))
(Applicable only if checked)

☐ The undersigned certifies that:

- ☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).
- ☐ A copy of the communication from the foreign patent office is enclosed.

OR

- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

Respectfully submitted,

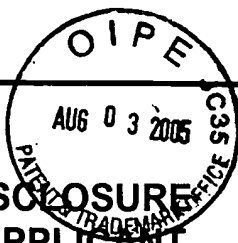
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Date: 3 August 2005

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT



Complete if Known

Application Number	10/789,635
Filing Date	February 27, 2004
First Named Inventor	William R. Barclay
Art Unit	1651
Examiner Name	Ware, D.
Attorney Docket Number	2997-1-3-2-2

Sheet

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of

2

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-6,607,900	08-19-2003	Bailey et al.	
		US-5,407,957	04-18-1995	Kyle et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴ ; Kind Code ⁵ (if known)				
		WO	- 91 11918	08-22-1991	Kyle et al.		
		JP	- 02 171127 A	07-02-1990	Yoshiji et al.		
		JP	- 60-087798	05-17-1985	Hiroaki et al.		
		GB	- 2098065 A	11-17-1982	Fujita et al.		
		EP	- 0 404 058 B1 (English Claims)	06-19-1990	Kohn et al.		
		EP	- 0 231 904 B1 (English Claims)	05-15-1991	Schwaikhardt et al.		
			-				

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

Examiner Initials*	Cite No. ¹	
		Bahnweg, (1979) <i>Veroff. Inst. Meeresforsch. Bremerh.</i> Vol. 17:245-268
		Bahnweg et al., (1974) <i>Amer. J. Bot.</i> , Vol. 61(7), pp 754-766
		Harrington et al. (1970) <i>J. Protozool.</i> , Vol. 17(2), pp 213-219
		Goldstein (1973) <i>Am. Rev. Micro.</i> , pp 2713-2726
		Jones et al., (1976) <i>Elek Science</i> , 749 pages
		Kinne, (1971), <i>Marine Ecology, A Comprehensive...</i> Vol. 1, Part 1: pp 405-514
		Kinne (1970), <i>Marine Ecology, A Comprehensive...</i> Vol. 1, Part 2: pp 821-995
		Kyle et al. (1989) "Microalgae as a Source of EPA," presented at the International Composium for New Aspects of Dietary Lipids and Uses at the University of Phos., Sweden, pp. 161-169

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Complete if Known	
				Application Number	10/789,635
				Filing Date	February 27, 2004
				First Named Inventor	William R. Barclay
				Art Unit	1651
				Examiner Name	Ware, D.
Sheet	2	of	2	Attorney Docket Number	2997-1-3-2-2

	Lee et al., (1971) <i>Phytochemistry</i> , Vol. 14, pp 593-602
	Porter, (1989), "Studies on the Physiology of Thraustochytriales...", <i>Handbook of Protoctista</i> , pp. 388-398
	Provasoli et al. (1962) <i>Archiv fur Mikrobiologie</i> , Vol. 42: pp 196-203
	Provasoli et al., (date unknown), "Growing Marine Seaweeds," based on two communications: L. Provasoli, "Bacteria-free Culture and Nutrition of Some Seaweeds" and L. Provasoli et al., "Culture Media for Seaweeds"
	Seto et al., (1970) <i>JAOCS</i> , 61(5):892-894
	Tuttle et al. (1975) <i>Phycologia</i> , Vol. 14, pp 1-8
	Ukeles (1976) <i>Marine Ecology, A Comprehensive...</i> Vol. III, Part 1, pp 367-466
	Vishniac, (1960) <i>Limnol. Oceanogr</i> 5:362-365
	Vishniac, (1955) "Division of Mycology," pp. 352-360

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Examiner Signature		Date Considered	
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